

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

THOMAS STONE, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

CORUS BANK, N.A.,

Defendant.

Case No. 1:08-cv-01746

Judge Bucklo

Mag. Judge Denlow

**Report of Parties Planning Meeting**

1. **Meeting.** Pursuant to FED. R. CIV. P. 26(f), a meeting was held on May 9, 2008 via telephone and was attended by:

Lance Raphael  
The Consumer Advocacy Center, P.C.  
180 West Washington  
Suite 700  
Chicago, IL 60602  
Counsel for the Plaintiff

James R. Daly  
Matthew E. Szwajkowski  
Jones Day  
77 West Wacker  
Suite 3500  
Chicago, IL 60601  
Counsel for Defendant

2. **Pre-trial Schedule.** The parties jointly propose to the court the following discovery plan:

- a. Discovery will be needed on the following subjects:

**A) Class certification issues; B) Facts relating to whether or not Defendant violated the Electronic Funds Transfer Act; C) Facts relevant to determining the award of damages, if any, if liability were established; D) Facts relating to Defendant's affirmative defenses**

- b. Disclosures pursuant to Pursuant to FED. R. CIV. 26(a)(1) to be made by **May 23, 2008.**

**Supplementations under Fed. R. Civ. P. 26(e) due: September 21, 2008.**

All discovery to be commenced in time to be completed by **September 22, 2008.**

**The parties should be allowed until September 29, 2008 to amend the pleadings and join additional parties.**

c. The parties expect they will need approximately 9 depositions; **additional depositions may be necessary based on facts developed during discovery.**

d. Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by **October 20, 2008.**

from defendant(s) by **November 20, 2008.**

**Depositions of the Plaintiff's retained experts by: November 5, 2008**

**Depositions of the Defendant's retained experts by: December 5, 2008**

**Reports of the Parties' Rebuttal Experts by: December 15, 2008**

**Depositions of the Parties' Rebuttal Experts by: January 19, 2009**

e. All potentially dispositive motions should be filed by **January 29, 2009.**

[Note: The court will not consider a summary judgment motion until the parties have first discussed settlement. Any motion for summary judgment must be accompanied by a statement signed by lead counsel for both parties certifying that they have engaged in good faith settlement efforts.]

f. Final pretrial order: Plaintiff to prepare proposed draft by **February 5, 2009**; parties to file joint final pretrial order by **February 19, 2009.** **The parties request a pretrial conference on or after February 26, 2009.**

**Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the parties by February 26, 2009.**

g. The case should be ready for trial by **March 2009** and at this time is expected to take approximately **four days.**

3. **The parties request a conference with the Court before entry of the scheduling order.**

4. **Settlement.** At least 14 days prior to the Rule 16(b) scheduling conference, plaintiff(s) is directed to make a written settlement demand to the defendant(s). At least 7 days prior to the scheduling conference defendant(s) is to respond in

writing to the plaintiff's settlement demand. **These letters have been exchanged by the parties.**

**Settlement may be enhanced by the use of the following alternative dispute resolution procedure: Defendant requests a settlement conference with the Court at the Court's earliest convenience.**

5. **Consent.** Parties **do not** consent unanimously to proceed before a Magistrate Judge.

Date: May 9, 2008

By: /s/ Lance A. Raphael  
Lance Raphael  
The Consumer Advocacy Center, P.C.  
180 West Washington  
Suite 700  
Chicago, IL 60602  
Counsel for the Plaintiff

/s/ James R. Daly  
James R. Daly  
Matthew E. Szwajkowski  
Jones Day  
77 West Wacker  
Suite 3500  
Chicago, IL 60601  
Counsel for Defendant